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August 1, 1981

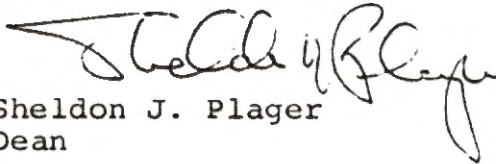
Kenneth R. R. Gros Louis
Vice President - Bloomington
Indiana University
Bryan Hall, Room 100
Bloomington, IN 47405

Dear Mr. Vice President:

It is my privilege to submit herewith my fourth annual report. In preparing this report, I have followed closely the format and strictures contained in your directive on annual reports.

You may be assured of my continuing efforts in support of Indiana University and the School of Law.

Very truly yours,


Sheldon J. Plager
Dean

SJP:jt

Highlights of the 1980-81 Year

Introduction

During 1980-81 the School pursued a number of previously established goals and objectives. These focused on the areas of faculty development, curriculum review and revision, and facilities planning. In addition, the School experienced several noteworthy successes in areas as diverse as research grant support and student moot court competition.

Faculty Development

The strength of the faculty was enhanced by several permanent appointments.

Ann Gellis. Ms. Gellis received her J.D. degree from N.Y.U. School of Law and was an associate with Cleary, Gottlieb, Steen, and Hamilton of New York for seven years. Immediately before joining Indiana University she served as deputy chief of the Economic Development Division of the Law Department of the City of New York. She was a visiting professor for the past year and taught in the areas of local government, real estate finance, and municipal finance.

Michael Benjamin Warren Sinclair. Mr. Sinclair holds the Ph.D. from Victoria University of Wellington and the J.D. from the University of Michigan. He has been a tutor, lecturer, and adjunct professor at several institutions including Victoria University, the University of Massachusetts at Amherst, the University of Michigan, and the University of Detroit. He has been in practice with the Detroit firm of Dickenson, Wright, and McKean. He will teach in the areas of commercial law, torts, and jurisprudence.

The following visiting appointments were made for the 1981-82 year.

David Sive. Mr. Sive will be a visiting professor and practitioner in residence. A graduate of Columbia Law School, he has been a senior partner with the firm of Winer, Neuburger, and Sive of New York City. He has taught at several other major universities and has published widely in the field of environmental law. His teaching program will include environmental law and a course in civil procedure.

Vincent Chiappetta. Mr. Chiappetta is a graduate of the University of Michigan and has been an attorney with the firm of Martori, Meyer, Hendricks, and Victor of Phoenix, Arizona. His teaching program will include courses in business law and commercial law.

Barbara Wand. Ms. Wand received the J.D. degree *summa cum laude* from Indiana University - Bloomington School of Law in 1979. Since then she has been an associate in the firm of Mallor and Mills in Bloomington where she

specialized in the areas of real property, administrative, commercial, and family law. Prior to entering law school, Ms. Wand was Legislative Liaison for the Massachusetts Association for Retarded Citizens, Inc. She will teach family law and juvenile justice.

William I. Garrard. Judge Garrard is a 1959 graduate of this law school. Prior to his appointment to the Third District of the Indiana Court of Appeals he was a partner in what is now the firm of Rasor, Harris, Lemon & Reed in Warsaw, Indiana. He has offered the Seminar in the Judicial Process during the summer of 1976-1980. This is the first year that he will offer the seminar during the academic year.

During the 1981-82 year, Associate Dean John Baker will be on leave of absence as visiting professor at New York University Law School. During his absence Ms. Karen Cutright will serve as Visiting Assistant Dean. Ms. Cutright holds the J.D. from Washington University, was formerly Assistant Dean of the Indiana University School of Law from 1974-77, and most recently was an associate in the Indianapolis firm of Ice Miller Donadio and Ryan.

Lee Teitelbaum who joined the Law faculty as Professor of Law in the Fall of 1980 elected, for reasons relating to his family, to return to the University of New Mexico. Professor Teitelbaum served as Director of the Center for the Study of Legal Policy Relating to Children. Professor Ilene Nagel is now serving as Acting Director.

A. Dan Tarlock left the Law faculty to join the faculty of the Illinois Institute of Technology - Kent School of Law, in Chicago, where his wife has been employed as a law professor for several years. Professor Tarlock had been at Indiana University since 1968 and taught in the areas of Administrative Law, Environmental Law, and Land Use Controls.

Law Library Building Addition.

The planning and funding of the law library building addition was a matter which received the highest priority in terms of time and effort during the past year. A building campaign was mounted to coordinate support from the law school community, the university, and alumni and friends throughout the state. The building campaign, utilizing the phrase "Building for the Future," was directed by Arthur Lotz, Assistant Dean for Administration and Bar Relations. A state-wide steering committee under the leadership of Robert Fair and Margaret Hill marshalled support in every county in the state. A building campaign office was opened at the law school and staffed by third year law students David Madeira and Michael Pechette. Informational mailings, supported by the Bloomington Law Alumni Association, went out to alumni and legislators. A newsletter kept all interested parties informed of the latest

developments in the campaign. This part of the building campaign concluded with the adoption by the General Assembly of House Bill 2018, which provided 5 million dollars for Phase I of the \$11 million plus project.

Curriculum.

The curriculum was substantially enriched by the presence of new colleagues who joined us this year:

Michael Carrico with four years of experience with the San Francisco firm of Pillsbury, Madison and Sutro, teaching in the area of trusts and estates;

Merritt Baker Fox, six years with the New York firm of Cleary, Gottlieb, Steen and Hamilton, teaching corporations, law and economics, and international business transactions; and

Lee Teitelbaum, with twelve years of teaching experience at the University of North Dakota School of Law, the University of New York at Buffalo, and most recently the law faculty of the University of New Mexico, teaching in the areas of family law, juvenile law, and evidence.

We were able to offer three perspectives courses in the first year; and several new courses and seminars were added, e.g., comparative law, municipal finance, real estate finance, and international business transactions. The faculty Educational Policy Committee, under the chairmanship of William Popkin, began its evaluation of the first year curriculum, adopted in 1978-79; this evaluation should be completed next year. The committee will be exploring proposals for improvements in the second and third year curriculum as well. The School's Educational Assistance Program provided assistance to approximately 25 disadvantaged students. Special instructional sessions were provided for them in legal analysis, legal writing, and in the taking of practice examinations. During the spring term individual tutors were provided for approximately 15 of the 25 students.

Clinical Education Report

The long awaited report of the Committee on Clinical Education, chaired by Associate Dean John Baker, was completed in the spring of 1980. During the fall of 1980 it was reviewed, and adopted with modifications by the faculty in December. The law school now has for the first time a comprehensive set of policies and guidelines on clinical education, conforming closely to those recommended by the American Bar Association and the Association of American Law Schools. Although it may take several years to identify and develop the resources needed to fully implement the mandates and recommendations of the faculty regarding clinical education, we are now equipped with the policy guidance with which to move ahead.

The School's student services office, under the direction of Assistant Dean Leonard Fromm, took steps to strengthen and improve the support services provided to law school students, particularly first year students. An instrument to assess student needs and attitudes was designed and administered to the law school student population. This will be an on-going project to provide data helpful in revising current services and designing new ones responsive to student needs. A revised orientation program and the introduction of a peer advising group of junior and senior students have proven successful in providing support to entering students during their first year of law school.

Student Activities

The Indiana Law Journal published four issues under the able editorship of Carla Smith, third year Law. In this its 56th year of publication, several critical concerns have been raised about the continued financial viability of the law journal, discussed more fully under budgetary needs.

Our moot court teams under the overall coordination of Professor Ronald Waicukauski had a spectacularly successful year. Several major wins were recorded and seven regional and national competitions were entered. The dramatic increase in activity was made possible by a gift from Carl and Eulala Gray, which resulted in the inauguration of the Carl M. Gray Advocacy Program.

Several other student organizations had a successful year. The Student Bar Association, headed by Richard Quinlan, sponsored activities during national "Law Week" and worked to enhance student-faculty relationships by organizing a series of dinners hosted by faculty members in their homes. The Demurrer's Club was reactivated and Latino Law Student Association, Jose G. Valtierra, President, and the Black American Law Student Association, Karen Pulliam, President, sponsored successful conferences.

Admissions

Despite national trends to the contrary, we experienced a 10 percent increase in applications this year. The entering class of 1980 had a median LSAT of 626 and a G.P.A. of 3.5. For the coming year, LSAT score averages and G.P.A.'s seem to be up slightly. Student recruitment activities, directed by Assistant Dean Frank Motley, included a newly instituted Spring Law Day Program, a series of state-wide visitations, the law school tour guide program, and improved coordination and support from the undergraduate prelaw advising office. An active recruitment program also increased the pool of minority applicants to a record level, resulting in a corresponding rise in minority enrollment.

The career planning and placement office, headed by Mary Kay Moody under the direction of Assistant Dean Frank Motley, had a successful year with 95 percent of the 1980 graduates placed in law or law-related jobs within 6 months of graduation. The office sponsored a very successful career planning conference at the beginning of the year which will be repeated in the coming year. Over 200 law students and alumni and friends participated in the program. Additional programs were provided throughout the year on resume writing, correspondence with employers, interviewing skills, job search techniques, and career decision making. Over 130 employers came to the law school to interview during the 1980-81 year.

Research and Graduate Development.

The School's Office of Research and Graduate Development, under Professor Ilene Nagel, Director, has been active in encouraging faculty and students to search for extramural research support. Several major awards have been secured or are now pending, including continued funding for the Center for the Study of Legal Policy Relating to Children. A major award was made by the Lilly Foundation for the establishment of the Center for Law and Sports. Under the direction of Professor Ron Waicukauski, the Center is devoted to the study of major issues in the field of sports litigation and law.

Library.

The additional resources allocated by the University in 1980-81 to the Law Library's acquisition budget permitted us to experience a year of modest growth in the size of the collection, although the number of new volumes declined compared with the preceding year. The total volumes added in 1980-81 was 9,898, bringing the total of the collection to 210,877. This total increase includes 4,106 volumes of serials, 994 monographs, 281 microform volumes and 4,517 volumes of government documents received free through the depository program. Compared with all other Big Ten law schools, we remained at the bottom in size of collection and in size of acquisitions budget.

The 1981 inventory of the classified collection (which constitutes approximately one-fourth of the total collection) has shown 2,099 works missing since January 1975 inventory. These losses are valued at \$54,000. This total includes 886 new losses (i.e., since January 1980).

Personnel changes in the Library included the appointments of Linda Fariss as Public Services Librarian, Carol Lisker as Serials Librarian and Keith Buckley as Reference Librarian. Colleen Pauwels, the Library Director, was granted tenure. In the clerical staff, a Documents Clerk was added to the library to bring staff support for the new U.S. depository program.

With the increased use of the law collection by non-law users and the rapidly increasing space limitation in the library, the Law School, after

consultation with appropriate University officers, adopted a policy in the spring reserving the library for those using the collection. Those using the library as a study hall are now asked to find a more suitable space for study. This action will provide some slight improvement in the availability of study space for the law school and law collection users, and also help to reduce noise in the library.

Goals for the Coming Years

1. It is becoming increasingly apparent that the law school cannot depend solely on state and university financial support if it wishes to maintain its overall quality and its national ranking. Additional money is needed for endowed chairs and professorships. Funds are needed to support research and teaching. Our library book acquisition budget remains close to the bottom of the list of comparable institutions even after university efforts were made to increase the base budget. All of this means that alternative sources of financial support must be identified and cultivated. To begin meeting these immediate as well as future needs, the Law School has, in conjunction with the I.U. Foundation, opened a Development Office under the direction of the Dean, assisted by Assistant Dean Lotz. It is hoped that this will substantially expand the fund raising capability that we have had in the past. The Law School's fund drive will continue to be coordinated by I.U. Foundation personnel. The Development Office was opened mid-summer of 1981.

2. The construction of the law library addition and building renovation will remain a top priority for the coming year. There are two critical aspects of the building program which will need to be addressed. The first relates to the development of plans and drawings for the building itself. The Building Committee, under the direction of Professors Craig Bradley and Merritt Fox, will be working with the designated architects and selected library consultants to develop a final working set of plans. The second major aspect of the building program will be to obtain from the 1982 General Assembly the remainder of the construction money to bring the project up to full funding. Our hope is to be far enough along with progress on both aspects of the building addition so we can break ground for the building in the spring of 1982.

3. Increasing budget constraints have increased the need for internal fiscal controls. Under the direction of Assistant Dean Arthur Lotz, several programs were introduced this year and will be expanded next year to allow us to monitor spending in areas that have seen dramatic increases in the past few years. Specifically, monitoring programs have been established for long-distance telephone use, xeroxing, postage, and general office supplies. Data is being compiled on individual use by the faculty, administration, and clerical staff. This monitoring and control process is a step toward better fiscal management and increased efficiency.

4. The library has suffered for some years with an inadequate budget as well as a shortage of staff and space. With the University's commitment to correct these deficiencies, the library can begin to make some advances in regaining its previous stature among the prominent law libraries in the country. However, substantial "catch-up" money is needed to provide materials not purchased in previous years. Through increased efforts in alumni giving and through grant money, we hope to supplement the university allocations in order to make substantial improvements in the breadth of the collection. This, in combination with the development of a library building addition, should allow us to begin again the search for a permanent Library Director and Associate Director in 1981-82.

5. Development of a long-range plan for the School suffered from the need to achieve short-range objectives. As noted earlier in this report, significant incremental gains can serve temporarily in lieu of genuine long-range goals, but ultimately progress will be limited if our vision is limited. The development of a comprehensive long-range plan for the School remains a major objective for the period ahead.

6. Student financial aid received a major boost with the establishment of the Jump Fellowships, which in time will have an endowment in excess of a million dollars. The decision to concentrate the income in a relatively few scholarships makes even more acute the need to rationalize and plan use and development of our overall financial aid sources.

7. Review and updating of the curriculum remains a high priority for us. The new first year program has demonstrated both strengths and weaknesses. The second and third year programs are in many ways more difficult to rationalize and coordinate. Of particular concern are issues such as the structure of the legal research and writing program, the effectiveness of the Educational Assistance Program, and the allocation of faculty resources available for broadening our clinical offerings. Despite the never ending nature of curriculum review and reform, these are matters to which the faculty and staff must give attention during the coming year.

8. The Recorder's Office (student records) still operates entirely by hand, utilizing in addition to the Recorder and her secretary, part-time help in periods of intensive activity. Further, while nearly all University schools and divisions are able to access student records kept in the University Registrar's Office through the use of on-site terminals, the Law School has no terminals of any kind. In other areas of the School's activities, there is little if any utilization of modern day office technology. The one exception is the word processing system installed two years ago, which has proven its value many times over. The School hardly presents a model for its students of an efficient and up-to-date law office. A priority goal for 1981-82 is to complete a thorough study of the School's operations in terms of potential utilization of office technology, and begin a phased installation of equipment.

9. Rebuilding of the faculty is still a priority matter, although the hiring of new faculty is somewhat less critical than it has been. Last year we held our own, having hired two new faculty but unfortunately also losing two. Several faculty positions remain unfilled. In addition, a major concern of the School is providing the necessary support and guidance to the cadre of new faculty hired in the last several years, so that in time they will produce the next generation of leading scholars and teachers. This is a high priority goal for the School, particularly for the Dean and the senior faculty.

Major Honors, Achievements of the Unit

1. The School of Law received a grant of \$85,000 from the Lilly Endowment, Inc. for the development and support of a Center for Law and Sports. This grant was negotiated through the efforts of the Dean and the School's Director of Research and Development; the Center is now headed by Professor Ronald Waicukauski. A national conference sponsored by the Center is being held in Indianapolis in August 1981.

2. This year marked the inauguration of the Carl M. Gray Advocacy Program, which allowed the Law School to support a broader and more varied interscholastic advocacy program. Activity in the Moot Court program increased dramatically. Seven major competitions were entered with Bloomington Law teams winning honors in 5 of the 7. In the regional competition of the National Moot Court competition involving schools from the states of Illinois, Indiana, and Wisconsin, the two Bloomington Law School teams captured first and second place. In the national finals held in New York, our team finished second of 250 teams entered in the national competition. In the National Constitutional Law Competition our team took first place honors.

3. The faculties of the School of Law and the School of Public and Environmental Affairs worked out the final details for a joint program of study by which individuals can earn both the J.D. degree and the Master of Science in Environmental Sciences. This program joins previously established joint programs in Law and Public Administration and Law and Business Administration.

4. The Law Alumni Association sponsored a highly successful law conference in the Fall at Bloomington which was attended by over 200 alumni and friends. Fred Graham, CBS News correspondent, was the principal speaker.

5. During the Spring Semester the Supreme Court of Indiana heard oral arguments in a pending case in the Courtroom of the School as a part of our annual effort to give I.U. law students an opportunity to see the Court in

action. The Indiana Court of Appeals also visited the Bloomington campus in the fall, to hear oral arguments in a case.

6. As a part of our continued efforts to improve the career planning and placement services of I.U. graduates, the first annual career planning conference was held in early fall.

Budgetary/Programmatic Needs

1. Library

Due to the over 20% inflation rate in the cost of law books, the law library was forced to discontinue the purchase of new books in January except for emergency purchases for the teaching program. The money that had been budgeted for new books was then used to make up the increases in the serials budget. Still, the library had to stop paying its bills in early May to keep from accumulating too large of a deficit. Approximately \$25,000 of 1980-81 invoices were held to be paid from the 1981-82 budget, drastically reducing the increase received in this year's budget. It is important that future increases are above the inflation rate if we are to build our library instead of simply maintaining the current collection.

Staff shortages are beginning to be lessened by the new additions in the coming year. The library still is in need of several clericals and two librarians in order to maintain the current workload adequately. The clericals are needed in the technical services areas. One of the librarians would be a Reference Librarian and the second would be the Foreign and International Librarian, serving a dual function in both technical services and in reference. It is hoped these positions will be added in the next few years.

Finally, the library is in urgent need of equipment. Most importantly, the library is in need of a book security system. According to this year's book inventory, the library lost as many classified treatises or monographs as we added this year. The total value of books lost since the last inventory in 1975 is \$54,000. The last cost estimate for a security system was half that, although the cost has no doubt risen since then. We have requested this installation each year for the last several years. Clearly, the purchase of a security system would be most cost efficient for the university.

Another important need is for a microfilm reader/printer. The equipment budget for any given year is never sufficient to pay for the \$5,000 reader/printer. Some kind of special allotment is necessary. Our Law Library is the only Big 10 Law Library that does not have a microfilm reader/printer, and the film collection contains many important items. Other items such as microfiche cabinets, typewriters, and a mini-computer are also badly needed. The Law Library is dependent on the Law School's equipment budget, which it-

self is inadequate for the needs of the School. Some means of catch-up funding must be found for this essential equipment. Then living within an annual budget will be possible.

2. Recordkeeping, computerization, and word processing.

For this coming year, we would like to install one IBM 3276 video terminal and printer, which would cost about \$300 per month to lease or about \$4,000 for the year, which includes start-up costs, to give us access to the University's student records. In addition, we need to begin a program of computerization of the School's own registration and total record-keeping needs. Eventually, we would like the hardware and software available to assist the School in all phases of its operation. We estimate an initial cost of \$2,000 for planning and consultant expense. Preliminary estimates indicate that the total plan will cost between \$40,000 and \$60,000.

3. Law Journal

The Indiana Law Journal has been singled out as an item for special attention in every budget review of the Law School. An excellent Law Journal is generally found at prestigious law schools. We have an excellent Journal, but its continued excellence is seriously threatened by financial starvation. In order to keep within the budgeted funds, we have reduced it in size so that it is now one of the thinnest Journals published by a reputable law school. Even so, we have barely kept the Journal from foreclosure. Our level of support has slipped to the point of actually endangering the future of its existence. At one time the Journal was fully supported by the University; a comparable level of support needs to be reinstituted.

4. Equipment Needs

Inadequate or old equipment continues to plague the Law School. Here is a sample of some of our more important needs:

- a. We need to upgrade the sound system for the Moot Court Room to accommodate the clinical programs that are conducted in this room. It will cost approximately \$5,000 to put it in the condition that we need to have it in for a laboratory class room.
- b. New video cassette recorders and cameras are needed for video taping clinical programs and for interviews. The equipment that we now use is past its expected life and is constantly in the shop for repairs. The cost would be approximately \$4,500.

5. Supplies and Expenses

The lack of growth in the Supplies and Expense Budget to keep up with inflation over the past decade has caused the Law School to drop some programs and substantially curtail other programs. We are rapidly running out of new

and creative ideas for maintaining the quality of teaching, research, and administration with the inadequate financial support that we receive in the area of Supplies and Expense. Telephone rentals, paper, and printing charges are but a few of the items that have increased at a level of approximately twice the rate of inflation.

6. Travel

Travel is one of the faculty amenities that has least kept up with the increased cost of airfare and hotel rates. Each year we cut back on the financial support that we offer faculty to travel to conferences for their professional development. The approximately \$10,000 we receive for travel each year covers about 50% of the incurred cost of official and professional travel. This is a serious morale factor for individuals with a commitment to their profession, and for an institution that wishes to maintain national visibility.

7. Clinical Education

The faculty review of clinical education resulted in two mandates. First, an academic component must be provided by a regular faculty member if academic credit is to be awarded to students who participate in a clinic. Second, the administration must hire faculty to teach in the clinical program who present credentials equivalent in all respects with the credentials of the extant faculty. The immediate outcome of this two-fold mandate has been to withdraw academic credit from several well-established clinics, with the result that students now participate solely as volunteers. This disincentive will likely decrease student involvement in a substantial training and service component provided by the school. In order to avoid this result in the future, the school must be able to fulfill the second part of the mandate, i.e., hiring faculty members to run these and other clinics. Further, the addition of clinical faculty members is necessary to expand and strengthen existing for-credit clinics.

8. Student Organization Support

Though law students pay a certain amount each year as an activities fee, some of which goes to the overall student government operation, none of these proceeds go directly to law school organizations. We have ten active student organizations which have requested funds for next year, including our law school newspaper. The funds are primarily used for supplies and expenses, for guest speakers, and special receptions hosted by the organizations. The budgetary process as it has occurred in the past has not taken these needs into account.

9. Facility Needs

There are many critical facility needs. Library stack and study space certainly head the list. We are also in need of more faculty office space, storage space, and placement interview rooms, among other needs. The

entrance and lobby of the school needs refurbishing along with other parts of the building. We anticipate that Phase II of the capital construction budget will adequately address many of these issues, and therefore do not discuss them further here.

10. Student Financial Aid

The spiraling cost of education requires the complementary infusion of other financial resources to continue the Law School's commitment to provide scholarships to deserving but indigent law students. Outside fund raising efforts, e.g., Jump Scholarships and Alumni giving, have helped but they have not managed to keep up with the pace of tuition increases and costs. More importantly, the University has not increased its fellowship commitment to the Law School since 1969 when it was first instituted.

The Law School needs to increase its level of support for academically capable but financially needy law students if it is to continue to attract the top students in the state and country, and if it is to maintain and strengthen its commitment to equal educational opportunity.

Conclusion and Comments

I noted in last year's report that our law school is often described as having great potential. While there probably are different meanings placed on that phrase by different observers, to me it means

- ° having a faculty capable of and committed to investigating, writing about, and teaching the central and leading issues confronting the law and the society of which it is a part. Our faculty is relatively young, and some are not yet established as scholars and renowned teachers. As this report suggests, we are stronger today than last year or the year before, but not yet fully proven;
- ° having a student body capable of benefiting from the best education we can give them, a student body that demonstrates a high degree of professionalism in their work and demeanor. On the basis of the continuing high entry credentials of the current classes, and a more subjective sense of strength of performance, which each year seems as strong or stronger than the year before, we have such a student body;
- ° having a staff capable of unobtrusively providing the support and guidance necessary to bring out the best in faculty and students. After several years of staff rebuilding and re-

organizing, we have such a staff -- the problem is to retain what we have;

- ° having a physical facility and a library that enhances rather than interferes with the productivity of our teachers and scholars and students. As this report shows, we are making substantial strides toward the attainment of that position, although promise is not the same as reality;
- ° having an alumni and state bar who understand and support the school and its highest ideals. The statewide response to our recent campaign for the building suggests that, when the issues are properly drawn, we are blessed with alumni and bar leaders dedicated and responsive to the needs of the school and the profession.

I also noted in my report of last year that, too often in the years past, as the school approached realization of its potential it suffered a setback of one sort or another. We must guard against this happening now. Ill-advised financial stringency can choke off the best beginnings; a penny saved can be a dollar lost. Small vision can mean aiming low, and in aiming low we can lose not only our vision of excellence but the support of those who look to us to realize our potential for excellence. With your continued support and that of the University, I remain as I began, proud and optimistic.